



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,337	03/21/2001	William J. Bolosky	MSI-735US	3684
22801	7590	07/28/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			GYORFI, THOMAS A	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,337

Applicant(s)

BOLOSKY ET AL.

Examiner

Tom Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006 and 01 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/5/06 & 12/29/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4 and 9-18 remain for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/5/06 and 12/29/05 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner is considering the information disclosure statements.

Response to Arguments

3. Applicant's arguments filed 1/13/06 have been fully considered but with respect to claims 1-4 they are not persuasive.

Regarding claims 1-4, Applicant argues, "*The most recent Office Action dated October 20, 2005, as well as previous Office papers, argues that the limitations 'collecting the changes that are made to the certain files stored in the distributed file system; and digitally signing the changes in batch' are disclosed at column 10, lines 50-65 and column 11, lines 1-10, respectively, of Moulton. (Office Action, page 3). The quoted subject matter is set forth in claim 1 of the present Application. Nowhere in the cited portion of Moulton is there any discussion of digitally signing, in batch, changes made to certain files stored in a distributed file system. The absence of discussion or teaching of these limitations in Moulton is admitted by the Office in subsequent sections of the Office Action. For example, on page 5, the Office states '[t]he combination of Moulton and Burns do not teach digitally signing the hash value of the group of hashes.' On page 8, the Office notes that 'Moulton is silent regarding a digital signature covering at least part of the representations to indicate that the modifications were made by a user with the signature...[u]ntil this clear discrepancy is rectified, the Applicant respectfully submits that the current rejection in view of Moulton is improper and should be withdrawn.'"* [boldface

Art Unit: 2135

emphasis Examiner's] Examiner disagrees with Applicant's contention, noting that the disputed limitation of claim 1, ("digitally signing the changes in batch") is a separate and distinct limitation from "signing the hash value of the group of hashes" of claims 9 and 14. Webster's II New Riverside University Dictionary supplies the pertinent art-specific definition of "batch" as "a set of data or jobs to be processed in a single program run." As disclosed in the previously cited Moulton passage, the Moulton invention proceeds to sign each change in a single [batch] operation, as is taught by claim 1. Based on the definition of the phrase "in batch" as would be understood by one of ordinary skill in the art, there is no requirement that this limitation requires the generating a hash value of a group of hashes, let alone digitally signing said hash value, as recited in the particular limitation of claims 9 and 14 that Applicant erroneously deems equivalent to the "batch" limitation of claim 1. Examiner further notes that previous Office Actions using the Moulton reference have consistently considered the "compute the hash value of each modified file" limitation of claims 9 and 14 as analogous with the "batch" limitation of claim 1 (Office Action of 10/20/05, page 5; Office Action of 3/14/05, page 4). With respect to the limitation of claim 17 wherein "... the modifications were made by a user with the signature", that limitation is nowhere to be found in claim 1, and thus Examiner fails to see any discrepancy as alleged by Applicant above.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The claims are drawn to non-functional descriptive material embodied on a computer-readable medium; under current Office practice, the claimed invention does not by itself produce any concrete or tangible result. See also MPEP § 2106.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Moulton (U.S. Patent 6,704,730).

Regarding claim 1:

Moulton teaches a method comprising storing files across multiple computers in a distributed file system (col. 4, lines 40-55), making changes to certain files (col. 11, lines 1-10 and Figure 7), collecting the changes made to certain files stored in the distributed file system (col. 10, lines 50-65 and Figure 6), and digitally signing the multiple changes in batch (col. 11, lines 1-10 and Figure 7).

Art Unit: 2135

Regarding claim 2:

Moulton teaches the limitations of claim 1 above. In addition, Moulton also teaches computing a hash of data in each file that is affected by the changes, and grouping the hashes together in batch for signing (Figure 7).

Regarding claim 3:

Moulton teaches the limitations of claim 1 above. In addition, Moulton also teaches a data structure, embodied on a computer-readable medium, produced by the method of claim 1 (col. 13, line 30 – col. 14, line 15).

Regarding claim 4:

Moulton teaches the limitations of claim 1 above. In addition, Moulton also teaches one or more computer-readable media comprising computer readable instructions that when executed perform the method of claim 1 (Figure 2).

Allowable Subject Matter

8. Claims 9-16 are allowable.
9. Claims 17 and 18 would be allowable if rewritten to overcome the rejection under 35 USC 101 above.

Art Unit: 2135

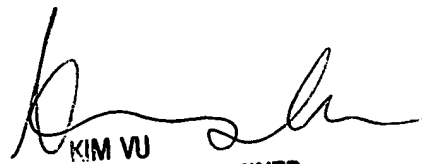
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
7/10/06


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100